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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re :

LEHMAN BROTHERS HOLDINGS,
INC., et al.,

Debtor

Chapter 11

Case No. 08-13555 (JMP)

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

LEHMAN BROTHERS, INC.,

Defendant.

Adversary No. 08-01420 (JMP)

**NOTICE OF APPEARANCE AND REQUEST
FOR SERVICE OF ALL PLEADINGS AND DOCUMENTS**

PLEASE TAKE NOTICE that, pursuant to section 1109(b) of Chapter 11 of Title 11, United States Code (the “Bankruptcy Code”) and Rule 9010(b) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), Overstock.com, Inc., by and through its undersigned counsel, hereby appears in the above-captioned adversary proceeding of Lehman

Brothers, Inc. (the “Defendant”), and requests, pursuant to, *inter alia*, Bankruptcy Rules 2002, 9007, and 9010, and section 342 of the Bankruptcy Code, that all papers, pleadings, motions and applications served or required to be served in this case, be given to and served upon the following:

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PLEASE TAKE FURTHER NOTICE that the foregoing request includes not only the notices and the papers referred to in the Bankruptcy Rules specified above, but also includes, without limitation, all orders and notices of any application, motion, petition, pleadings, request, complaint, or demand, whether formal or informal, whether written or oral, and whether transmitted or conveyed by ordinary mail, hand delivery, telephone, facsimile, electronic mail, or otherwise, which may affect or seek to affect in any way the Defendant, property of such Defendant, or Overstock.com.

PLEASE TAKE FURTHER NOTICE that this appearance and request for service of all pleadings and documents nor any later appearance, pleading, proof of claim, claim or suit shall constitute a waiver of (i) the right to have final orders in non-core matters entered only after de novo review by a District Judge, (ii) the right to trial by jury in any proceeding related to this case or any case, controversy, or proceeding related to this case, (iii) the right to have the District Court withdraw the reference in any matter subject to mandatory or discretionary withdrawal, (iv) any objection to the jurisdiction of this Bankruptcy Court for any purpose other than with

respect to this notice, (v) an election of remedy, (vi) any other rights, claims, actions, defenses, setoffs, or recoupments as appropriate, in law or in equity, under any agreements, all of which rights, claims, actions, defenses, setoffs, and recoupments are expressly reserved.

Dated: November 19, 2008

KLESTADT & WINTERS, LLP

By: /s/ John E. Jureller, Jr
John E. Jureller, Jr.

Attorneys for OVERSTOCK.COM, INC.